IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3586 OF 2007

Ramesh Bhimrao Desai..... ..... Petitioner
V/s
The Managing Director, Kolhapur Dist. Central Cooperative Bank, Kolhapur..... ..... Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.S.M.Dharap, Adv. for the petitioner.

Mr.M.L.Patil, Adv. For respondent No.1.

CORAM: A.P. DESHPANDE, J.
3.5.2007

PC:

By the instant writ petition exception is taken to an order passed by the Industrial Court, Kolhapur rejecting the application moved by the petitioner-complainant seeking interim relief.

2. The petitioner is substantively holding a post of Special Recovery Officer under the establishment of the respondent-bank. The petitioner was directed to take over additional charge of the post of Divisional Officer and at a later point of time the petitioner was directed to hand over the additional charge of the post of Divisional Officer to one Shri Jadhav.

Aggrieved by this communication of divesting of the additional charge, the petitioner filed a ULP complaint alleging that the bank has indulged in unfair labour practice. The case of the petitioner before the Industrial Court was that on account of intervention of representative-union under the B.I.R. Act the said impugned decision has been taken by respondent is mala fide. The Industrial Court has held that the petitioner has failed to make out prima facie case and further proceeded to hold that the question as to whether the petitioner falls within the scope of definition of an employee also requires consideration, has proceeded to reject the application. What prima facie is to be seen is as to whether does the petitioner have any right qua the post of Divisional Officer of which additional charge has been divested and the petitioner has been continued in this substantive post. Prima facie I do not find any legal right in the petitioner to the post in question viz. post of Divisional Officer. Hence no fault can be found with the impugned order passed by the Industrial Court. In the result writ petition fails and is summarily dismissed.

3.5.07.